

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, August 3, 1998

DIVISION ONE

A079767 -- Kit Larsen v. Michael B. Wiest et al.

The judgment in favor of respondents is affirmed. The award of attorney fees to respondents is reversed. The award of expert witness fees and costs to respondents is affirmed. Each party shall bear their own costs on appeal. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

DIVISION TWO

A076324, A076333, A076341, A076352, A076730 -- Thelma Goodyear et al. v. General Motors Corporation.

The lower court correctly found appellants' state tort causes of action preempted by the BIA and did not err in dismissing those actions. The judgments are therefore affirmed. Respondent is awarded its costs on appeal. Kline, P.J. We concur: Haerle, J., Ruvolo, J. (Certified for Publication.)

DIVISION THREE

A077238 -- The People v. Jessie L. Sims.

A080546 -- In re Jessie L. Sims, On Habeas Corpus.

The judgment is affirmed and the petition for writ of habeas corpus is denied. Parrilli, J. We concur: Phelan, P.J., Walker, J. (Not for Publication.)

Monday, August 3, 1998 (continued)

A080040 -- In re Elizabeth W., a Person Coming Under the Juvenile Court Law.

The appeal is dismissed. Walker, J. We concur: Phelan, P.J., Parrilli, J. (Not for Publication.)

DIVISION FIVE

A082860 -- Charlene L. v. Superior Court of San Mateo County, San Mateo County Youth and Family Services, R.P.I.

The Court: The petition for extraordinary relief and the request for stay are denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888.) Petitioner is barred in any subsequent appeal from making further challenges to the order terminating reunification services and setting a hearing under section 366.26. (§ 366.26, subd. (l).) Since the section 366.26 hearing is set for August 10, 1998, this opinion is final as to this court forthwith. (See Cal. Rules of Court, rule 24(d).) Before Peterson P.J.; Haning, J; Jones, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, August 4, 1998

DIVISION ONE

A077245 -- The People v. Alvin Cornelius Kimbrough.

The judgment is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

A080154 -- In re Fabian R., a Person Coming Under the Juvenile Court Law.

That portion of the juvenile court's order finding the criminal street gang enhancement allegation true is reversed, and the matter is remanded for new proceedings to determine the truth of that allegation and to redetermine appellant's maximum period of confinement at the California Youth Authority if necessary. In all other respects, the court's findings and order of commitment are affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

A080414 -- In re Raya M., a Person Coming Under the Juvenile Court Law.

The order is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

Tuesday, August 4, 1998 (continued)

DIVISION TWO

A080329 -- John Kinney et al. v. Charles H. Grieve et al.

The judgment is affirmed. Costs on appeal are awarded to Kinney.
Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

DIVISION FOUR

A076425 -- Margaret Lechler v. City and County of San Francisco et al.

Order Denying Petition for Rehearing and Modifying Opinion; The Court:
The opinion filed herein on July 9, 1998, is modified as follows: (See Order.)

This modification does not effect a change in the judgment.

The petition for rehearing filed by respondent Zim's Restaurant is denied.
Hanlon, P.J.

A079136 -- The People v. Lawrence Domingo Martinez.

The judgment is affirmed. McGuiness, J. We concur: Hanlon, P.J.,
Reardon, J. (Not for Publication.)

Courtroom Minutes
Division 4
Tuesday August 4, 1998

Court convened at 9:30 a.m. in its courtroom at 303-2nd Street, 4th Floor,
San Francisco. Present: Hanlon, P.J., Poche, J.; Channing Hoo, Deputy Clerk and
CHP Officer Curtis Reese, Bailiff.

- A077602 Mark J. Bruno et al.
 v.
 B.A.R.T. et al.
 Called cause. Each counsel confirmed waiving Justice Reardon's presence.
 Allan DeFraga argued on behalf of appellants Bruno et al. Eugene Brown, Jr.,
 argued on behalf of respondents. Submitted cause.
- A078788 People
 v.
 Alexei Ruiz
 Called cause. Each party confirmed waiving Justice Reardon's presence. Victor
 Morse argued on behalf of appellant Ruiz. Certified law student Amy Kaitting
 (under the immediate supervision of Deputy Attorney General George Hindall
 III) argued on behalf of respondent. Submitted cause.
- A079289 People v. David Eugene Eliapo
A083030 In re David Eugene Eliapo on Habeas Corpus
 Called causes. Each counsel confirmed waiving Justice Reardon's presence.
 Stephen Bedrick argued on behalf of appellant/petitioner Eliapo. David Salmon,
 through teleconference, argued on behalf of respondent. Submitted causes.

The Court adjourned at 10:45 a.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, August 5, 1998

DIVISION ONE

A079371 -- Alma Singleton v. Crosby, Heafey, Roach & May.

The judgment is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

A081059 -- The People v. Richard McDonald Hart III.

Within 20 days of filing of this opinion, the People may file in this court a request for modification of the judgment to the six-year upper term for first degree robbery under section 213, subdivision (a)(1)(B), instead of the nine-year upper term under section 213, subdivision (a)(1)(A), for a total term of nine years. If the People file that request, the remittitur will direct that modification and affirm the judgment as modified. (See *People v. Cooper* (1979) 94 Cal.App.3d 672, 684.) If the People do not file the request for modification, the remittitur will order reversal of the judgment and remand to the trial court for further proceedings. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

DIVISION TWO

A078480 -- Madeline Harris v. Civil Service Commission of the City and County of San Francisco et al.

The judgment is affirmed. Lambden, J. I concur: Kline, P.J. See Haerle, J., Concurring and Dissenting Opinion. (Certified for Publication.)

MINUTES

COURT OF APPEAL STATE OF CALIFORNIA FIRST APPELLATE DISTRICT

DIVISION FIVE

Wednesday August 5, 1998

Court convened at 9:30 a.m. in its Courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California. Present: Jones, J., Acting Presiding Justice; Haning, J.; Champlin, J., on assignment; and Richard H. Sandvik, Deputy Clerk.

A081003 Jane Atkinson

v.

Bay Area Rapid Transit District

Cause called and argued by William Kline, counsel for appellant, and by Jessica L. Grant, counsel for respondent. Cause ordered submitted.

A079766 Gerald Crowley

v.

City and County of San Francisco

Cause called and argued by Arthur Levy, counsel for appellant, and by David Lee Benjamin, counsel for respondent. Cause ordered submitted.

A080428 Marvin D. Anderson

v.

ProBusiness Services

Cause called and argued by Diana R. Miller, counsel for respondent, counsel for appellant did not appear. Cause ordered submitted.

A081407 John Stiglich

v.

Merit Board of Contra Costa County

Contra Costa County Fire Protection District

International Association of Fire Fighters Local 1230

Cause called and argued by Geoffrey M. Faust, counsel for appellant, and by Robert J. Bezemek, counsel for respondent and Edward Lane, counsel for real party in interest.. Cause ordered submitted.

A082078 Amelia Kressler et al.
v.
John A. Troup
Cause called and argued by Robert Y. Bell, counsel for appellant, and by Henry D. Froneberger, counsel for respondent. Cause ordered submitted.

A078295 Wilson McCall & Daoro et al.
v.
American Qualified Plans, Inc.
Cause called and argued by Anne F. Marchant, counsel for appellant, and by Robert S. Unger, counsel for respondent. Cause ordered submitted.

A082078 Mary Devitt
v.
City of Burlingame
Cause called and argued by Andrew J. Sommer, counsel for appellant, and by David F. Zucca, counsel for respondent. Cause ordered submitted.

A078491 Mechanical Contractors Association of Northern California
v.
Greater Bay Area Association of Plumbing and Mechanical Contractors
Cause called and argued by James A. Carter, counsel for appellant, and by Daniel A. Croley, counsel for respondent. Cause ordered submitted.

A080590 The People
v.
Bernard Watts
Cause called and argued by Carlton Edgar Lacy, counsel for appellant, and by John H. Deist, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A079865 The People
v.
Vaughn J. Currie
Cause called and argued by Denise Kendall, counsel for appellant, and by Raymond A. Cadozo, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A079619 The People

v.

Elmer Allan Bock

Cause called and argued by Ozro W. Childs, counsel for appellant, and by Jeremy Friedlander, Deputy Attorney General, counsel for respondent via teleconference. Cause ordered submitted.

Court adjourned at 2:00 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, August 6, 1998

DIVISION FIVE

A078607 -- The People v. Darren Vean Brackett.

The judgment is affirmed. Haning, J. We concur: Jones, Acting P.J., Champlin, J.* *Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

A079559 -- In re Michael L., a Person Coming Under the Juvenile Court Law.

In re Sarah L., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Haning, J. We concur: Jones, Acting P.J., Champlin, J.* *Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

A081364 -- In re Darrell D., a Person Coming Under the Juvenile Court Law.

The findings that appellant violated probation by failing to enroll in school (count 1), testing positive for marijuana (count 3), and being in possession of a weapon are reversed. The case is remanded for the purpose of determining the amount of restitution. The order is otherwise affirmed. Haning, J. We concur: Jones, Acting P.J., Champlin, J.* *Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, August 7, 1998

DIVISION TWO

A077640 -- The People v. Shann Hicks.

The judgment is affirmed. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

A080435 -- In re Marriage of Lechowick.

The order appealed from is reversed and the cause remanded to the trial court for proceedings consistent with this opinion. Costs on appeal are awarded to appellant. Haerle, J. We concur: Kline, P.J., Lambden, J. (Certified for Publication.)

DIVISION THREE

A075614 -- Andre Baldanza v. Delta Air Lines et al.

For the foregoing reasons, the judgment of the trial court in favor of O'Leary is affirmed. Judgment in favor of Delta is also affirmed with respect to the first cause of action, but reversed with respect to the second, third, fourth, and fifth causes of action. The parties shall bear their own costs. Phelan, P.J. I concur: Parrilli, J. See Concurring Opinion of Corrigan, J. (Not for Publication.)

Friday, August 7, 1998 (continued)

A076894 -- Economic Empowerment Foundation v. Charles Quackenbush, as Insurance Commissioner, etc., State Farm Fire and Casualty Company et al., R.P.I.

The order sustaining State Farm's demurrer is reversed. Costs to Economic Empowerment Foundation. Phelan, P.J. We concur: Parrilli, J., Walker, J. (Certified for Publication.)

A081546 -- In re Daniel O., a Person Coming Under the Juvenile Court Law.

The jurisdictional and dispositional orders are affirmed. Phelan, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

DIVISION FOUR

A077487 -- Freemark Abbey Winery v. Monzio, Inc.

The judgment is reversed except as to that portion of the judgment attributable to the office lease between the parties. Monzio shall recover its costs and attorney fees in a reasonable amount to be fixed by the trial court. Hanlon, P.J. We concur: Poché, J., Reardon, J. (Not for Publication.)

DIVISION FIVE

A079001 -- The People v. Porfirio Cruz Hernandez.

The judgment of conviction is affirmed. Peterson, P.J. We concur: Haning, J., Jones, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, August 10, 1998

DIVISION TWO

**A081366 -- In re Daniel A., a Person Coming Under the Juvenile Court
Law.**

The order terminating services is reversed insofar as it denies visitation to appellant. In all other respects, the order is affirmed. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, August 11, 1998

DIVISION TWO

A063878 -- Benjamin Santisas, et al. v. Robert J. J. Goodin, et al.

We conclude that defendants may recover as costs attorneys fees they have incurred to litigate issues common to the contract and tort claims.

It is a matter within the exercise of the trial court's discretion to determine whether the work for which fees were incurred may be apportioned between the contractual and noncontractual causes of action and to determine the appropriate allocation, if any.

As neither plaintiffs nor defendants wholly prevailed on appeal (plaintiffs having contended defendants were entitled to no fees whatsoever by virtue of plaintiffs' voluntary pretrial dismissal of the action and defendants having argued they were entitled to fees for all causes of action), we order that each party shall bear its own costs on this appeal.

We therefore remand this matter to the trial court for further proceedings consistent with this opinion and with that of the Supreme Court. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

A078696 -- In re the Marriage of Annie Jacob and Santiago Z. Arrieta.

We reverse the judgment with respect to the awarding to Arrieta spousal support, a one-half interest in the Paine Webber account, and an interest in the El Camino property. Jacob is awarded costs on appeal. Lambden, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Tuesday, August 11, 1998 (continued)

A075584 -- Jevene Newman et al. v. Lorillard, Inc. and Hollingsworth & Vose Co.

The judgment is affirmed. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A079718 -- The People v. Manuel Louis Moreno.

The judgment is affirmed. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A081229 -- The Latino Coalition For A Healthy America v. Kimberly Belshe, et al.

The judgment of the trial court is reversed and the trial court is ordered to issue a peremptory writ of mandate directing respondents not to utilize, enforce or attempt to enforce the regulation set forth in ACL 97-06 unless and until the requirements of the APA are met. Costs on appeal are awarded to appellant. Haerle, J., We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A082015 -- Howard Hershops v. Bank of the West.

We dismiss this appeal without reaching its merits for lack of appellate jurisdiction. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

Tuesday, August 11, 1998 (continued)

DIVISION FIVE

A077894 -- The People v. Wendell Hankins.

The judgment of conviction and the sentence are affirmed, except that the two convictions for simple kidnapping are vacated. The matter is remanded to the trial court with instructions to modify the abstract of judgment by eliminating the two duplicative convictions of simple kidnapping in violation of section 207, and to forward a corrected copy of the abstract of judgment to the Department of Corrections. Peterson, P.J. We concur: Haning, J., Jones, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Tuesday, August 11, 1998

Court convened at 9:00 a.m. in its Courtroom at 303 Second Street, Marathon Plaza, South Tower, Fourth Floor, San Francisco, California.

Present: Phelan P.J., Corrigan J., Parrilli, J., and J. Casados, Deputy Clerk.

A076219 Miguel Pineda,
 v.
 Bouldin & Larson, Inc., et al.;
 Republic Indemnity Company of America.
Cause called and argued by Eustace de Saint Phalle, counsel for appellants,
and Patrick M.K. Richardson, counsel for respondent. Cause ordered
submitted.

Justice Parrilli left the bench.

A080067 The attorneys in the next matter on calendar were informed by Justice
Phelan that Justice Walker, who is on the panel, would not be present at
oral argument. Neither attorney objected to Justice Walker's absence at
oral argument and agreed that he could listen to the audio tape of the
argument. The matter was called.

Carolyn Lank,
 v.
 Sonoma County et al.
Cause called and argued by Stephanie Wells, counsel for appellant,
and Richard Flores, counsel for respondents. Cause ordered submitted.

Court adjourned.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, August 12, 1998

DIVISION ONE

A078123 -- The People v. Roderick M. Coleman.

Accordingly, the judgment is affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

A079923 -- Frank R. Stonich et al. v. Lilienthal & Fowler.

Accordingly, the judgment is affirmed. Costs on appeal are awarded to respondent. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

A080207 -- Homeacres Improvement Association of Solano County v. Solano County, Revival Center Ministries, Inc., R.P.I.

The judgment is affirmed. Costs to respondent on the appeal, and to cross-respondent on the cross-appeal. Stein, J. I concur: Strankman, P.J. See Concurring and Dissenting Opinion of Swager, J. (Not for Publication.)

A082083 -- Rodney Rowlett, et al. v. Andrea Lynn, et al.

By The Court: The above entitled case is transferred from Division Four to Division One of this court. This order is made pursuant to Rule 20 (b) (1) of the California Rules of Court. This appeal is related to case number A071399 previously assigned to Division One. Strankman, A.P.J.

Wednesday, August 12, 1998 (continued)

DIVISION TWO

A077817 -- Conchita Mixon v. Carpenter Funds Administrative Office of Northern California, Inc.

Summary judgment was properly granted respondent by the trial court, and we affirm that judgment. Costs on appeal to respondent. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A082002 -- The People v. Melissa Leona Simpson.

The judgment is affirmed. Lambden, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A083466 -- In re Armando Abreu, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied. Haerle, Acting P.J.

A083586 -- In re Darryl Mark Robinson, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied without prejudice to petitioner seeking relief, if any, in the superior court. Haerle, Acting P.J.

A083744 -- In re Wendell Lee James, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied. Haerle, Acting P.J.

Wednesday, August 12, 1998 (continued)

DIVISION THREE

A077417 -- City of Vallejo v. Thomas v. Roland, County of Contra Costa.

The judgment is reversed and the matter is remanded to the trial court for further proceedings consistent with the views expressed in this opinion. Costs to appellant. Parrilli, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

A079476 -- The People v. Daniel Lee Ivey.

Affirmed. Walker, J. See Concurring Opinion of Phelan, P.J. See Dissenting Opinion of Parrilli, J. (Not for Publication.)

DIVISION FIVE

A078807 -- The People v. Gregory Lee Gray.

The judgment is affirmed. Jones, J. We concur: Peterson, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, August 13, 1998

DIVISION TWO

A080383 -- The People v. Nivia L. Henderson.

The judgment is affirmed. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

A083258 -- Lawrence Lindsay v. The Superior Court of Sonoma County, The People of the State of California, R.P.I.

By The Court: The petition for writ of mandate/stay is denied. Haerle, Acting P.J.

A083606 -- Gregory Bogan v. The Superior Court of Alameda County, The People of the State of California

By The Court: The petition for writ of mandate/prohibition is denied. Kline, P.J.

A083614 -- In re Danny Garcia, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied without prejudice to petitioner seeking relief, if any, in the Sixth District Court of Appeal. Kline, P.J.

A083764 -- Antonio M. Garcia v. The Superior Court of San Francisco County, Vivek Hejmadi, et al., R.P.I.

By The Court: The petition for writ of mandate/prohibition is denied. Haerle, Acting P.J.

Thursday, August 13, 1998 (continued)

A083787 -- Robert Neal Anderson v. The Superior Court of Humboldt County, The People of the State of California, R.P.I.

By The Court: The petition for writ of mandate/prohibition/stay is denied. Haerle, Acting P.J.

DIVISION THREE

A075977 -- The People v. Alner Brewer.

The judgment is affirmed. Phelan, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

A082041 -- The People v. Dennis Patrick Wilmot.

Wilmot's counsel has filed a brief raising no issues, and asking us for an independent review under *People v. Wende* (1979) 25 Cal.3d 436. We agree with counsel that there are no arguable issues, and affirm the judgment. Parrilli, J. We concur: Phelan, P.J., Corrigan, J.

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Thursday, August 13, 1998

The Court met at 9:00 a.m. in its courtroom at 303 - Second Street, 4th Floor, San Francisco. Present: Kline, P.J., Lambden, J., Ruvolo, J. and S. Graham, Deputy Clerk.

A077615 The People
 v.
 Richard T. French
Cause called and argued by Mark D. Greenberg, counsel for appellant and Laurence Sullivan, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Haerle joined the bench and the panel on the following case consists of Justices Kline, Haerle and Lambden.

A080380 In re Kenneth Jackson,
 on Habeas Corpus.
A079217 In re Lovell Lomax,
 on Habeas Corpus.
Causes called and argued by Greg Mangani, Deputy Attorney General, counsel for appellant and Arnold Erickson, counsel for respondent Jackson and Barry Newman, counsel for respondent, Lomax. Causes ordered submitted.

At this point, Justice Lambden left the bench.

A079919 David Moy
 v.
 Mickey Hale
Cause called and argued by David Moy, appellant in propria persona and Chris Chen, counsel for respondent. Cause ordered submitted.

A075776 John J. Schiavo, Jr., et al.

v.

VW Credit, Inc., et al.

Cause called and argued by John Elstead, counsel for appellants and James F. B. Daniels, counsel for respondents. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Thursday, August 13, 1998

The Court met at 1:30 p.m. in its courtroom at 303 - Second Street, 4th Floor, San Francisco. Present: Haerle, Acting P.J., Lambden, J., Ruvolo, J. and I. Santos, Deputy Clerk.

- A076996 Jo Emma Eanni,
v.
Montgomery Wards, Inc.
Cause called and argued by Gerda Roy, counsel for appellant, and Russell Reiner, counsel for respondent. Cause ordered submitted.
- A077837 Dennis James Coen,
v.
James M. Coen.
Cause called and argued by James Green, counsel for appellant, and David McKim, counsel for respondent. Cause ordered submitted.
- A079524 Roberta Lee Franklin et al.,
v.
Faulkner, Sheehan & Wunsch et al.
Cause called and argued by Tory Griffin, counsel for appellant, and Joseph Hearst, counsel for respondent. Cause ordered submitted.
- A079965 Warren Merel,
v.
American President Lines, Inc.
Cause called and argued by Robert Finan, counsel for appellant, and Joseph Klobas, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, August 14, 1998

DIVISION FOUR

A079753 -- Jeff L. v. Superior Court of Del Norte County, Del Norte County Department of Social Services, R.P.I.

A078690 -- Charlene L. v. Superior Court of Del Norte County, Del Norte County Department of Social Services, R.P.I.

The order terminating reunification services and setting a selection and implementation hearing under section 366.26 complies with governing law and is supported by substantial evidence. The petitions for an extraordinary writ are denied on the merits. (Cal. Const., art. VI, section 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) Any stay previously issued is dissolved. Our decision is final in this court immediately. Hanlon, P.J. We concur: Poché, J., McGuinness, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, August 17, 1998

DIVISION ONE

A081841 -- The People v. Amrik Singh.

The judgment is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

DIVISION TWO

A081439 -- The People v. Malikk Robert Anthony.

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A083533 -- John F. Healy, et al. v. The Superior Court of San Francisco County, Michael S. Salkin, R.P.I.

By The Court : The petition for writ of mandate/stay is denied. Haerle, Acting P.J.

A083795 -- Thomas J. Rosatti v. The Superior Court of Alameda County, Christine Casto, R.P.I.

By The Court: The petition for writ of mandate/stay is denied. Haerle, Acting P.J.

Monday, August 17, 1998 (continued)

DIVISION FIVE

A080515 -- Pilkington Barnes Hind v. San Francisco County Superior Court, John J. Visbal, R.P.I.

Let a peremptory writ of mandate issue commanding respondent superior court to vacate its order denying PBH's motion for summary judgment, and to enter a new and different order granting that motion. The stay of proceedings heretofore imposed shall dissolve upon the finality of this opinion as to this court. PBH shall recover its costs of this writ proceeding. Peterson, P.J. We concur: Haning, J., Jones, J. (Certified for Publication.)

A081653 -- The People v. Ronald Lee Canada.

The judgment is affirmed. Peterson, P.J. We concur: Haning, J., Jones, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, August 18, 1998

DIVISION ONE

A079215 -- The People v. Sampson Kaiser.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A080857 -- The People v. Gregory Eric Mayo.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

DIVISION THREE

A079584 -- Deborah Andersen v. Milton A. Douzos.

The judgment is affirmed. Costs on appeal are awarded to respondent. Phelan, P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

DIVISION FOUR

A077602 -- Mark J. Bruno et al. v. Bay Area Rapid Transit District et al.

The judgment is affirmed. Poché, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

Tuesday, August 18, 1998 (continued)

A080852 -- William A. v. Superior Court of California, County of Del Norte, Del Norte County Department of Social Services, R.P.I.

A080834 -- Tina R. v. Superior Court of California, County of Del Norte, Del Norte County Department of Social Services, R.P.I.

The orders terminating reunification services and setting a selection and implementation hearing under section 366.26 comply with governing law and are supported by substantial evidence. The petitions for extraordinary writ are denied on the merits. (Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) Any stays previously issued are dissolved. Our decision is final in this court immediately. Poché, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

DIVISION FIVE

A078483 -- Bechtel Corporation v. Thaddeus Keiffer.

By The Court: It is ordered that the opinion filed herein on July 24, 1998, be modified as follows: (See Order.)

The petition for rehearing is denied. This order does not effect a change in the judgment. Peterson, P.J. (Certified for Partial Publication.)

A081559 -- The People v. Daniel James Stedman.

The judgment is affirmed. Haning, J. We concur: Peterson, P.J., Jones, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, August 19, 1998

DIVISION TWO

A080425 -- Carole Anne Burke et al. v. Michael Milani et al.

We reverse the judgment. Appellants are awarded costs on appeal.
Lambden, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A083426 -- Biomaterial Co., Ltd., et al. v. The Superior Court of San Francisco County, Takeo Nakata, R.P.I.

By The Court: The petition for writ of mandate/prohibition is denied.
Haerle, Acting P.J.

A083448 -- In re Keith Odell Johnson, on Habeas Corpus.

By The Court: The above entitled case is transferred from Division Three to Division Two of this court. This order is made pursuant to Rule 20 (b) (1) of the California Rules of Court. This original proceeding is related to petitioner's appeal previously assigned to Division Two. Strankman, A.P.J.

Wednesday, August 19, 1998 (continued)

A083538 -- Carol Goodrich v. The Superior Court of Alameda County, First Baptist Church of Alameda, R.P.I.

By The Court: We have reached our decision after notice to all parties that we might act by issuing a peremptory writ in the first instance. (*Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171, 177-180.) Petitioner's right to relief is obvious and no purpose would be served by oral argument. (*Ng. v. Superior Court* (1992) 4 Cal.4th 29, 35.) Let a peremptory writ of mandate issue commanding respondent superior court to vacate its order of May 27, 1998, in Goodrich v. First Baptist Church of Alameda, and to enter a new order awarding petitioner her full costs on appeal in the amount of \$5250.77 against FBCA.

Petitioner is also awarded her costs in this writ proceeding. (Cal. Rules of Court, rule 56.4.) Before Haerle, Acting P.J., Lambden, J., and Ruvolo, J. (Not for Publication.)

DIVISION THREE

A081578 -- The People v. Uriel Ruben Cendejas.

We have examined the record on appeal and conclude there are no potentially meritorious issues to argue. Consequently, the judgment is affirmed. Parrilli, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

DIVISION FIVE

A080960 -- The People v. Anthony Vincent Due.

The order revoking probation in Case No. 96-067-C and the judgment imposed in Case No. 97-238-C are affirmed. Jones, J. We concur: Peterson, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, August 20, 1998

DIVISION TWO

A077615 -- The People v. Richard T. French.

The judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Lambden, J.
(Not for Publication.)

A079919 -- David Moy v. Mickey Hale et al.

The judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Haerle, J.
(Not for Publication.)

**A083330 -- Demetrious Cooper v. Workers' Compensation Appeals
Board and United Parcel Service.**

The Court: The petition for writ of review filed on July 7, 1998, is
dismissed without prejudice as premature. There is no final order subject to
review. (Lab. Code, §§ 5950, 5901.) Haerle, Acting P.J.

A083448 -- In re Keith Odell Johnson, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied. Petitioner
has a remedy at law by way of appeal. Haerle, Acting P.J.

A083827 -- In re Calvin Gaines, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied. Haerle,
Acting P.J.

Thursday, August 20, 1998 (continued)

DIVISION THREE

A080067 -- Carolyn Lank v. Sonoma County et al.

Affirmed. The County to recover costs on appeal. Walker, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

A082861 -- James H. v. The Superior Court of the County of Solano, Solano County Health and Social Services Department, R.P.I.

The petition for extraordinary relief is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The section 366.26 hearing is set for August 18, 1998. Therefore, our decision is final in this court immediately. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

DIVISION FOUR

A079133 -- The People v. Luis E. Vega.

The judgment is modified as follows: (1) by striking the number “5” listed as the term for the section 12022.5 enhancement and as the total enhancement term and substituting in their places the number “4”; (2) by deleting the indeterminate term total of “20 yrs” and substituting in its place “15 yrs”. As modified the judgment is affirmed. The Clerk of the San Francisco Superior Court is directed to prepare an amended abstract of judgment reflecting this modification and to forward a certified copy of the amended abstract to the Department of Corrections. Poché, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

Thursday, August 20, 1998 (continued)

DIVISION FIVE

A077047 -- Gary Tensfeldt v. Workers' Compensation Appeals Board and City and County of San Francisco.

The Board's opinion dated December 13, 1996, is affirmed. Respondents are to recover their costs on appeal. Peterson, P.J. We concur: Jones, J., Haning, J. (Certified for Publication.)

A078791 -- The People v. Valdez Carlos Blackmon.

The judgment is affirmed. Peterson, P.J. We concur: Haning, J., Jones, J. (Not for Publication.)

A081585 -- The People v. Mark Anthony Russell.

The judgment is affirmed. Jones, Acting P.J. We concur: Haning, J., Champlin, J.* *Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, August 21, 1998

DIVISION ONE

A078284 -- Theodore Paul Wiggins v. Doris A. Tabor.

The judgment is affirmed. Respondent is awarded his costs on appeal.
Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

DIVISION TWO

A079845 -- The People v. Ashley Chad Lockwood.

The order denying the certificate of rehabilitation is affirmed, but the cause is remanded to the trial court with directions to amend so much of the order as states it is "with prejudice" to read "without prejudice". Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Certified for Publication.)

DIVISION THREE

A074573 -- The People v. Gloria Doheny.

Order Modifying Opinion and Denying Rehearing and Request for Publication; By The Court: It is ordered that the opinion filed July 23, 1998, is modified as follows: (See Order.)

This modification does not effect a change in the judgment. Appellant's petition for rehearing or for publication is denied. Phelan, P.J. (Not for Publication.)

Friday, August 21, 1998 (continued)

A081486 -- The People v. Kristopher J. Keeran.

Our review of the record reveals that appellant was ably represented by counsel in all proceedings. We find no issues requiring further briefing and affirm the judgment. Walker, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

DIVISION FIVE

A079722 -- The People v. Louie Gamboa.

We affirm. Jones, Acting P.J. We concur: Haning, J., Champlin, J.*
*Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

A079766 -- Gerald Crowley v. County of San Francisco.

The judgment is affirmed. Costs to respondent. Haning, J. We concur: Jones, Acting P.J., Champlin, J.* *Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

Friday, August 21, 1998 (continued)

A080980 -- In re the Marriage of Lucille Anne Kostrzewa and Robert Diggins.

We affirm the court's order to the extent that it sets aside those aspects of the judgment pertaining to property distribution, debt allocation and child and spousal support. We reverse the court's order to the extent that it specifies a date at which child support shall commence and to the extent that it sets aside that aspect of the judgment pertaining to the dissolution of marriage. We remand with instructions to reinstate judgment as to the dissolution of marriage (status only). Each party to bear its own costs on appeal. Jones, Acting P.J. We concur: Haning, J., Champlin, J.* *Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, August 24, 1998

DIVISION ONE

A079612 -- The People v. Iraj Maaref.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A079712 -- Stephanie H. and Matthew H., Minors, By and Through Deanne H., Their Guardian Ad Litem v. County of Sonoma.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

DIVISION TWO

A081108 -- Mary Koch v. Workers' Compensation Appeals Board and State of California Department of Mental Health.

The Court: The petition for writ of review is denied. Kline, P.J.

A083383 -- All West Container v. The Superior Court of San Mateo County, Jesus Vasquez, R.P.I.

By The Court: The petition for writ of mandate/prohibition is denied. Haerle, Acting P.J.

Monday, August 24, 1998 (continued)

A083867 -- In re Muharem Kurbegovich, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied. Haerle, Acting P.J.

A083870 -- In re Alfonso M. Corona, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied without prejudice to petitioner seeking relief, if any, in the Fourth District Court of Appeal. Haerle, Acting P.J.

DIVISION THREE

A080649 -- The People v. Lonnie Ray Burks.

The judgment is affirmed. Parrilli, J. We concur: Phelan, P.J., Walker, J. (Certified for Publication.)

A083362 -- Anthony C. v. The Superior Court of Marin County, Marin County Department of Social Services, R.P.I.

The petition for extraordinary relief is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.App.3d 1012, 1024.) The section 366.26 hearing is set for September 15, 1998. Therefore, our decision is final in this court immediately. Phelan, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Monday, August 24, 1998 (continued)

DIVISION FOUR

A079456 -- The People v. Antoyne D. Singletary.

Defendant was represented by counsel throughout these proceedings. This court has reviewed the record and the issues raised in the letter briefs submitted by defendant and finds no meritorious issues to be argued. The judgment is affirmed. Hanlon, P.J. We concur: Poché, J., Reardon, J. (Not for Publication.)

A080344 -- The People v. Mark David Schofield.

A082676 -- In re Mark David Schofield on Habeas Corpus.

The judgment is affirmed. The petition for writ of habeas corpus is denied. McGuinness, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

A081001 -- Carole B. Walser v. Joseph Labellarte.

Lynn M. Tillman v. Joseph Labellarte.

The judgment is affirmed. Appellant to bear costs of appeal. McGuinness, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

A081893 -- The People v. Nazario Saucedo Gomez.

The judgment is affirmed. Hanlon, P.J. We concur: Poché, J., Reardon, J. (Not for Publication.)

A082190 -- The People v. Herbert Lee Henderson.

The judgment is affirmed. McGuinness, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

Monday, August 24, 1998 (continued)

DIVISION FIVE

A080251 -- In re the Matter of Gavin T., a Minor.

The order of the juvenile court, finding the assault allegation of the petition to be true, is vacated. The matter is remanded to the juvenile court, with instructions to find the assault allegation untrue and to dismiss the petition. Peterson, P.J. We concur: Haning, J., Jones, J. (Certified for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, August 25, 1998

DIVISION ONE

A079260 -- The People v. Edward Turner.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Walker, J. (Not for Publication.)

A079791 -- The People v. Clifford Paul Gruwell.

Accordingly, the judgment is affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

A080158 -- In re Tracy M., a Person Coming Under the Juvenile Court Law.

The order is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A080360 -- George A. Perry, et al. v. John King.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A081059 -- The People v. Richard McDonald Hart III.

Order Modifying Opinion; By The Court: It is ordered that the unpublished opinion filed on August 5, 1998, be modified as follows: (See Order.)

In all other respects the opinion remains the same. Strankman, P.J.

Tuesday, August 25, 1998 (continued)

A081113 -- John Nady v. Alan Wofsy.

The order vacating the judgment and the dismissals is affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

DIVISION TWO

A078619 -- Bank of America N.T. & S.A. v. The Home Insurance Company.

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A081436 -- Frank Gutierrez v. Cassiar Mining Corporation.

The order awarding costs to Cassiar is vacated and the matter is remanded for a redetermination of costs. The parties shall bear their own costs on appeal. Lambden, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A082783 -- James B. Rogers v. Landtech Investment, et al.
Steven L. Lombardo v. Dwight S. Haldan, et al.**

Lombardo's appeal of the September 18, 1996, order, the October 22, 1996, judgment and the January 6, 1998, judgment is dismissed. The May 4, 1998, notice of appeal establishes Lombardo's right to appeal the March 19, 1998, post judgment attorneys fees order only. The Haldan respondents are dismissed from this appeal. The Haldan respondents' request for sanctions is denied. Costs on appeal are awarded to the Haldan respondents. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Tuesday, August 25, 1998 (continued)

A083336 -- Lisa L. v. The Superior Court of the City and County of San Francisco, San Francisco Department of Social Services, R.P.I.

A083337 -- Stephen C. v. The Superior Court of the City and County of San Francisco, San Francisco Department of Social Services, R.P.I.

The petitions are denied on the merits. (Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888 [subsequent challenge by appeal barred]; § 366.26, subd. (l)(1).) Given the nearness of the section 366.26 hearing set for September 2, 1998, our decision is final as to this court immediately (rule 24(d)). Lambden, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A083886 -- Martha J. Porter v. The Superior Court of San Mateo County, David L. Porter, R.P.I.

By The Court: The petition for writ of mandate is denied. Kline, P.J.

DIVISION FOUR

A079387 -- In re Jose C. et al., Persons Coming Under the Juvenile Court Law.

The termination orders are affirmed. Reardon, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

A080953 -- In re Elizabeth R., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Poché, J. We concur: Hanlon, P.J., McGuinness, J. (Not for Publication.)

A081804 -- The People v. William Burdette Haltom.

The judgment is affirmed. Poché, J. We concur: Hanlon, P.J., McGuinness, J. (Not for Publication.)

MINUTES

COURT OF APPEAL STATE OF CALIFORNIA FIRST APPELLATE DISTRICT DIVISION THREE

Tuesday, August 25, 1998

Court convened at 9:00 a.m. in its Courtroom at 303 Second Street, Marathon Plaza, South Tower, Fourth Floor, San Francisco, California.

Present: Felon P.J., Corrigan J., Parrilli, J., and J. Casados, Deputy Clerk.

A073202 Care Management Corporation, etc.,
 v.
 Dept. of Health Services.
Cause called and argued by H. Steven Burnside, counsel for appellant,
and John C. Herbert, Deputy Attorney General, counsel for respondent.
Cause ordered submitted.

A076423 Kim Marie Thorburn et al.,
 v.
 California Dept. of Corrections et al.
Cause called and argued by Stephen D. Schear, counsel for appellants,
and Robert Granucci, Deputy Attorney General, counsel for respondents.
Cause ordered submitted.

A077893 Modesto G. Salazar,
 v.
 San Mateo County Transit District et al.
Cause called. Carlos M. Alcala, counsel for appellant, contacted by court
to present oral argument as requested by telephone conference. The court
was placed on hold by receptionist in his office for approximately 3 to 5
minutes. Mr. Alcala was on his line and it was presumed that he was being
notified by his office that the court was holding. The court's telephone call
was not answered. Argument ordered waived. Cause ordered submitted.

Justice Walker took the bench. Justice Parrilli did not participate in the
next cause to be argued.

- A082547 Walter Slater et al.,
v.
Superior Court of Alameda County
Julia M. Humphreys et al.
Cause called and argued by Michael Johnson, counsel for petitioners, and
Gerald Stoll, counsel for real parties in interest. Cause ordered submitted.
- Justice Corrigan did not participate in the next cause to be argued.
- A081041 David Lee Key,
v.
Dept. of Motor Vehicles.
Cause called and argued by Christine Mersten, Deputy Attorney General,
counsel for appellant, and Peter Ottenweller, counsel for respondent.
Cause ordered submitted.
- Justice Phelan left the bench.
- A071727 Gerald S. Cohen,
v.
Harman-Menlo Park, Inc., et al.
Cause called and argued by William H. Russell, counsel for appellant, and
John M. Ingle, counsel for respondents. Cause ordered submitted.
- A075664 In re the Marriage of William and Sally Ogletree.
William H. Ogletree,
v.
Sally H. Ogletree.
Cause called and argued by Denise Moorehead, counsel for appellant, and
Beverly Leonard, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Tuesday, August 25, 1998

Court convened at 1:30 p.m in its Courtroom at 303 Second Street, Marathon Plaza,
South Tower, Fourth Floor, San Francisco, California.

Present: Phelan P.J., Corrigan J., Walker, J., and C. Turner, Deputy Clerk.

A075758 The People

v.

Larry Lorenzo Johnson

Cause called and argued by George Lazarus, counsel for appellant, and
Deputy Attorney General, Thomas A. Brady, counsel for respondent.

Cause ordered submitted.

A075903 The People

v.

Mark Wayne Sprinkle

Cause called and argued by Nedra Ruiz, counsel for appellant, and Moona
Nandi, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

A078435 The People

v.

Ramon Allen Laskowski

Cause called and argued by L. Richard Braucher, counsel for appellant, and
Donna B. Chew, Deputy Attorney General, counsel for respondent.

A076628 Oliver A. Jones et al.,

v.

Louis Trujillo et al.,

Cause called and argued by Lorraine Walsh, counsel for appellant, and
William C. Wilka, counsel for respondent.

Cause ordered submitted.

court adjourned

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, August 26, 1998

DIVISION TWO

A081696 -- Knocti Unified School District v. Workers' Compensation Appeals Board and Mary Bradd-Chrisp.

The Court: The petition for writ of review is denied. Kline, P.J.

A082059 -- Armando De Vera v. Workers' Compensation Appeals Board and St. Francis Memorial Hospital.

The Court: The petition for writ of review is denied. Kline, P.J.

A083905 -- In re Cory J. Chandler, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

DIVISION THREE

A075664 -- In re the Marriage of William H. and Sally H. Ogletree.

Affirmed. William to recover costs on appeal. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J.

Wednesday, August 26, 1998 (continued)

A076219 -- Miguel Pineda v. Bouldin & Larson, Inc., et al., Republic Indemnity Company of America.

We conclude that (1) the court acted within its discretion in taxing the costs sought by plaintiff; and (2) it did not err in applying the “but for” rule articulated in *Burrow v. Pike*, *supra*, 190 Cal.App.3d 384.

The order taxing costs is affirmed. Corrigan, J. We concur: Phelan, P.J., Parrilli, J. (Not for Publication.)

A079794 -- The People v. Jose R. Garcia.

The judgment is affirmed. Parrilli, J. We concur: Corrigan, Actg. P.J., Walker, J. (Not for Publication.)

A081788 -- The People v. Altus Jamal Moore.

Defendant was well represented by counsel, and the court’s sentence, including the restitution order, was lawful. There are no arguable issues for appeal. The judgment is affirmed. Corrigan, J. We concur: Phelan, P.J., Parrilli, J. (Not for Publication.)

DIVISION FOUR

A081835 -- In re Kamree H., a Person Coming Under the Juvenile Court Law.

The order terminating reunification services and setting a selection and implementation hearing under section 366.26 complies with governing law and is supported by substantial evidence. The petition for an extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The stay previously issued is dissolved. Our decision is final in this court immediately. Hanlon, P.J. We concur: Poché, J., McGuiness, J. (Not for Publication.)

Wednesday, August 26, 1998 (continued)

A082759 -- In re Kayla W. a Person Coming Under the Juvenile Court Law.

The order terminating reunification services and setting a selection and implementation hearing under section 366.26 complies with governing law and is supported by substantial evidence. The petition for an extraordinary writ is denied on the merits.. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) Our decision is final in this court immediately. Hanlon, P.J. We concur: Poché, J., McGuinness, J. (Not for Publication.)

DIVISION FIVE

A080343 -- The People v. Lawrence Durbin.

The judgment is affirmed. Haning, J. We concur: Jones, Acting P.J., Champlin, J.* *Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

A080516 -- In re the Matter of Valsigna R. and Lilja R., Minors.

The order terminating parental rights is affirmed. Peterson, P.J. We concur: Haning, J., Jones, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Wednesday, August 26, 1998

The Court convened at 9:00 a.m. in its courtroom at 303 - 2nd Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., Swager, J. and N. Millner, Deputy Clerk.

- A077055 Estate of Dickenson, Deceased.
A078955 Hope Ewing et al.,
 v.
 Alfred G. Dessayer.
Cause called and argued by Laurence O. Masson, counsel for Ewing;
Barbara J. Schussman, counsel for Dessayer; Michael B. Green, counsel for
Davies; and Michael Hassen, counsel for Troy. Cause ordered submitted.
- A080485 Hacienda Neighbors et al.,
 v.
 City of Walnut Creek;
 Mansion Investors et al.
Cause called and argued by Amara Koss, counsel for appellant City of
Walnut Creek, David J. Bowie, counsel for real party in interest/appellant
Mansion Investors, and Mark Harrison, counsel for respondent. Cause
ordered submitted.
- A077997 Robert Etter, Jr.,
 v.
 Veriflo Corporation.
Cause called and argued by Louis Highman, counsel for appellant, and
George J. Tichy, counsel for respondent. Cause ordered submitted.
- A080201 The People,
 v.
 Elizah Raymond Morgan.
Cause called and argued by J. Courtney Shevelson, via teleconference,
counsel for appellant, and Catherine Rivlin, Deputy Attorney General,
counsel for respondent. Cause ordered submitted.

A078960

Mary Kerner,

v.

County of Marin.

Cause called and argued by Carl B. Shapiro, counsel for appellant, and Deborah Bialosky, via teleconference, counsel for respondent. Cause ordered submitted.

Court recessed until 2:00 p.m.

Court reconvened at 2:00 p.m. Present: Strankman, P.J., Stein, J., Swager, J. and N. Millner, Deputy Clerk.

- A079646 Dillingham Construction N.A., Inc.,
 v.
 State Board of Equalization.
Cause called and argued by Kelly C. Wooster, counsel for appellant, and Paul D. Gifford, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A081132 Patricia E. McQuade,
 v.
 Donald Del Grande
Cause called and argued by Raymond P. Bolanos, counsel for appellant, and James H. Hartnett, counsel for respondent. Cause ordered submitted.
- A079604 The People,
 v.
 Stevon Wayne Smallwood.
Cause called and argued by Glen L. Hauer, counsel for appellant, and Violet M. Lee, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A078679 Charles Ford,
 v.
 Workers' Compensation Appeals Board;
 Regents of the University of California et al.
Cause called and argued by Roy Otis, counsel for petitioner, and Richard M. Jacobsmeyer, counsel for respondents. Cause ordered submitted.

Court recessed until Thursday, August 27, 1998 at 9:00 a.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, August 27, 1998

DIVISION ONE

A081052 -- The People v. Jonathan D. Bump.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A081053 --The People v. Daryl A. Walters.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A082001 -- The People v. Mister James Cory Lee.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

DIVISION TWO

A078702 -- Estate of Floyd Buchanan, Deceased.

Louis J. Lennard, as Conservator etc. v. Barbara Nell Davis, as Executrix, etc.

The judgment is affirmed. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Thursday, August 27, 1998 (continued)

A081787 -- The People v. Armando Ponce Nunez.

Although the probation officer recommended the aggravated term of three years be imposed, the court accepted the recommendation of the prosecutor made in connection with the change of plea and sentenced appellant to the mid-term of two years. We find no sentencing error. We also find there are no further legal issues that require briefing, and affirm the judgment in all particulars. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

DIVISION THREE

A076754 -- L. Damian v. Romana D. Tamondong, et al.

By The Court: It is ordered that the opinion filed herein on July 29, 1998, be modified in the following particulars: (See Order.)

The petition for rehearing is denied. Except as ordered herein, there is no change in the judgment. Phelan, P.J. (Certified for Publication.)

A080085 -- The People v. Aldo Hernandez Perea.

The judgment is affirmed. Corrigan, J. We concur: Phelan, P.J., Walker, J. (Not for Publication.)

A081593 -- The People v. Jimmie Lee Adams.

The judgment is affirmed. Walker, J. We concur: Phelan, P.J., Parrilli, J. (Not for Publication.)

Thursday, August 27, 1998 (continued)

DIVISION FOUR

A078308, A079443 -- Catherine M. et al. v. San Francisco Community College District et al.

We affirm the judgment but order \$1,277 stricken from the cost bill, rendering costs due to respondents in the total amount of \$38,431.93. The stay heretofore issued in connection with appellants' petition for writ of supersedeas (A079297) is vacated as moot. Reardon, J. We concur: Hanlon, P.J., McGuinness, J. (Not for Publication.)

A078788 -- The People v. Alexei Ruiz.

The judgment of conviction is affirmed. Poché, Acting P.J. We concur: Reardon, J., McGuinness, J. (Not for Publication.)

A079609 -- The People v. Wesley Tukku Fort.

The judgment of conviction is affirmed. Poché, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Thursday, August 27, 1998

The Court convened at 9:00 a.m. in its courtroom at 303 - 2nd Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., Swager, J. and B. Robbins, Deputy Clerk.

- A079838 Gregory E. Schultz, et al.
v.
Hallenbeck & Associates.
Caused called and argued by Gary S. Garfinkle, counsel for appellants, and Ray Rockwell, counsel for respondent. Cause ordered submitted.
- A079220 Odis C. Bowens,
v.
Contra Costa County Sheriffs Department.
Cause called and argued by Odis Bowens, appellant in pro per, and Sandra Mock, counsel for respondent. Cause ordered submitted.
- A081228 Jason Sarrow,
v.
Howard Lee.
Caused called and argued by Lewis R. Warren, counsel for appellant, and Andrew R. Pollack, counsel for respondent. Cause ordered submitted.
- A077639 The People,
v.
Joseph John Carbone.
Caused called and argued by Jack Leavitt, counsel for appellant, and Ann K. Jensen, Deputy Attorney General, counsel for respondent. Caused ordered submitted.

A076756 The People,
 v.
 Robert Adger et al.
 Caused called and argued by J. Courtney Shevelson, attorney for appellant
 Oliver, William M. Robinson, counsel for appellant Adger, and Ann K.
 Jensen, Deputy Attorney General, counsel for respondent. Cause ordered
 submitted.

A080502 Henry M. Steinberg,
 v.
 Alex Malinov.
 Caused called and argued by Henry M. Steinberg, appellant in pro per, and
 Alex Malinov, respondent in pro per, via teleconference. Caused ordered
 submitted.

Court recessed until 2:00 p.m.

Court reconvened at 2:00 p.m. Present: Strankman, P.J., Stein, J., Swager, J. and B. Robbins, Deputy Clerk.

- A079692 The People,
 v.
 Jared Joseph DeFlores.
Cause called and argued by Dennis P. Riordan, counsel for appellant, and Ann K. Jensen, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A077295 The People,
 v.
 Jose Antonio Negrete.
Caused called and argued by Manuel J. Baglanis, counsel for appellant, and Ross Moody, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A083334 Norman L.,
 v.
 Alameda Co. Superior Court;
 Alameda Co. Dept. of Social Services.
Caused called and argued by Karen Shiff, counsel for petitioner, and Laurel Prager, Deputy County Counsel, via teleconference, counsel for real party in interest. Cause ordered submitted.

Court adjourned.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, August 28, 1998

DIVISION ONE

A080328 -- Scott A. Swanson v. Hearing Aid Dispensers Examining Committee.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

DIVISION THREE

A078435 -- The People v. Ramon Allen Laskowski.

Reversed and remanded. Walker, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

DIVISION FOUR

A080601 -- In re Phillip S., a Person Coming Under the Juvenile Court Law.

Judgment affirmed. Reardon, J. We concur: Poché, Acting P.J., McGuiness, J. (Not for Publication.)

Friday, August 28, 1998 (continued)

A081050 -- The People v. Jacob William Wood.

The judgment is affirmed. Reardon, J. We concur: Hanlon, P.J., McGuiness, J. (Not for Publication.)

DIVISION FIVE

A079105 -- The People v. Anthony Anderson.

The judgment is affirmed. Peterson, P.J. We concur: Haning, J., Jones, J. (Not for Publication.)

A080590/A080789 -- The People v. Bernard Watts.

Case No. A080789 is dismissed. In case No. A080590, the trial court's judgment is affirmed. Jones, Acting P.J. We concur: Haning, J., Champlin, J.*

*Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Certified for Partial Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, August 31, 1998

DIVISION ONE

A079494 -- The People v. Thomas Pace.

Accordingly, the appeal is dismissed as moot. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

A080591 -- The People v. Julio Casar Romero.

The judgment is affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

A081955 -- Alvin Florida, Jr. v. Stephanie McGee.

We accordingly conclude that the present appeal must be dismissed for lack of an appealable order. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

A083119, A083120 -- In re Alexander J-D., Person Coming Under the Juvenile Court Law.

The petitions for extraordinary writ are denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd., v. Superior Court* (1990) 50 Cal.3d 1012, 1024.)

The section 366.26 hearing is set for September 23, 1998. Therefore, our decision is final in this court immediately. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

Monday, August 31, 1998 (continued)

DIVISION TWO

A079466 -- In re Ronar I., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

DIVISION THREE

A076628 -- Oliver A. Jones and Stephanie Jones v. Louis Trujillo et al.

The judgment of the superior court is affirmed. Corrigan, J. We concur: Phelan, P.J., Walker, J. (Not for Publication.)

A079694 -- The People v. Patrick Lee Alger.

In light of the totality of the record, the error here was harmless. The judgment is affirmed. Corrigan, J. We concur: Phelan, P.J., Walker, J. (Not for Publication.)

DIVISION FIVE

A079865 -- The People v. Vaughn J. Currie.

The judgment is affirmed. Haning, J. We concur: Jones, Acting P.J., Champlin, J.* *Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)